U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16316

PROJE	CT LOCA	TION IN	FORMATION:		
Stat	e:	Texas			
	-	Galvestor			
Cen	iter coordin	ates of sit	e (latitude/longitud	de):	29° 17′ 57" N, 94° 49′ 38" W
					g uplands: 0.0129 acres.
Nar	ne of neares		ay: West Galvesto		
Nar	ne of water	shed:	Huc Code: 10240	204, West	Galveston Bay
HIRISD	ICTIONA	L DETE	RMINATION		
			determination	\boxtimes	Date: 21 October 2004
00.	-	Site visit(百	Date(s):
		one visit	3)		Date(3).
Jur			nation (JD):		_
	United Sta	ates" and/	ased on available in or "navigable water part 331).	nformation ers of the U	n, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved Check all			appealable	e action (Reference 33 CFR part 331).
	⊠ There the review	<i>are</i> "navi ⁄ed area.	gable waters of the Approximate size	e United St of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			ers of the United Sproximate size of j		defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There	are "isolo	ated, non-navigable Decision supported Jurisdiction.	le, intra-sta ed by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
			NAL DETERMIN		anisable maters of the United States?
A.	The prese	nce of wa	ters that are subjec	t to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
В.	Waters d	efined ur	nder 33 CFR part	328.3(a) a	used, or were used in the past, or may be susceptible to use in
	interstate	or foreign	commerce, include	ding all wa	ters which are subject to the ebb and flow of the tide.
П	(2) The pr	resence of	f interstate waters i	including i	nterstate wetlands ¹ .
靣	(3) The pr	resence of	f other waters such	as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats,	wetlands	, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
					merce including any such waters (check all that apply):
	(i) w	hich are c	or could be used by	interstate	or foreign travelers for recreational or other purposes.
					d be taken and sold in interstate or foreign commerce.
	(iii)	which are	or could be used f	or industri	al purposes by industries in interstate commerce.
	(4) Impou	ındments	of waters otherwis	se defined a	as waters of the US.
				ater identif	fied in (1) – (4) above.
	(6) The p (7) The p	resence of	f territorial seas. f wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are contiguous with and therefore adjacent to West Galveston Bay a navigable water of the US

FILE NUMBER: D-/6316

more objects
sits (foreshore)
acteristics

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATA F	□ Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. □ This office concurs with the delineation report, dated , prepared by (company): □ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Galveston Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): City of Galveston, 2000 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

1395

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDIC HUNAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16595

PROJEC	CT LOCATION IN	FORMATION:		
App Nam		a (parcel) reviewed,	including	
	ICTIONAL DETE npleted: Desktop of Site visit(determination		Date: 26 October 2004 Date(s):
Juri	sdictional Determi	nation (JD):		
	Preliminary JD - Ba United States" and/ (Reference 33 CFR	or "navigable water	formation, s of the U	\Box there appear to be (or) \Box there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – An Check all that apply		appealable	action (Reference 33 CFR part 331).
	☐ There are "navi the reviewed area.	gable waters of the Approximate size of	United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "water reviewed area. App	ers of the United Sta proximate size of ju	ntes" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There are "isolo∏	ated, non-navigable Decision supported Jurisdiction.	, intra-sta l by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	The presence of wa	nder 33 CFR part 3 ters that are subject	329 as "na to the ebb	vigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in an interestate or foreign commerce.
B.	(1) The presence of interstate or foreign (2) The presence of	f waters, which are on commerce, including interstate waters in	currently using all wat ing all wat icluding in	s "waters of the United States": ased, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
	(3) The presence of sandflats, wetlands destruction of which are (ii) which are (iii) from which (iii) which are (4) Impoundments	f other waters such a , sloughs, prairie po ch could affect intersor could be used by h fish or shellfish ar or could be used fo of waters otherwise f a tributary to a war	as intrastate tholes, we state comminterstate or could r industria defined a	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.
Ī	(7) The presence of	f wetlands adjacent ²		waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16595

	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Galveston July 2003-post Claudette Other photographs (Date): Texas General Land Office Asset Inspection Map Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16596

		N INFORMATION:		
Cen Apr	inty: Call iter coordinates proximate size of	houn of site (latitude/longitud of area (parcel) reviewed, aterway: Matagorda Bay	including	Latitude: 28 30' 42"; Longitude -96 29' 14.1" g uplands: acres.
	ne of watershed		ay Huc:	12100402
	npleted: Des	ETERMINATION ektop determination exist(s)		Date: 26 October 2004 Date(s):
Jur	isdictional Det	termination (JD):		
	United States'	D - Based on available in " and/or "navigable water 3 CFR part 331).	formation rs of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD Check all that		appealable	e action (Reference 33 CFR part 331).
		"navigable waters of the area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are reviewed area	"waters of the United Sta a. Approximate size of ju	ntes" (as or	defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There are	"isolated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters defin The presence	of waters that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B.	(1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which (ii) from (iii) which (4) Impound (5) The present (6) The present interstate (7) (1) (1) (2) (2) (3) (4) (4) (4) (5) (4) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	nce of waters, which are coreign commerce, includince of interstate waters in the conference of other waters such at the conference of which could affect intermate or could be used by which fish or shellfish at the conference of waters otherwise nee of a tributary to a wance of territorial seas.	currently to the country of the coun	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. all purposes by industries in interstate commerce. Its waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16596

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey T.5 Minute Topographic maps: Keller Bay Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Digital photos Oct 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16634

;	Stat	•
1	Cen App Nan	unty: Matagorda ter coordinates of site (latitude/longitude): UTM 15 244765E 3185331N (NAD27) Cedar Lakes West broximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Gulf Intracoastal Waterway ne of watershed: Gulf Intracoastal Waterway
•		ICTIONAL DETERMINATION npleted: Desktop determination Date: 21 Oct 2004 Site visit(s) Date(s):
,		
j		isdictional Determination (JD):
		Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ī	3	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASI	s o	OF JURISDICTIONAL DETERMINATION:
A	۱.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
		The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В	3.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
2		(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
Г		interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ .
Ē]	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commerce including any such waters (check all that apply): [i] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
_		(iii) which are or could be used for industrial purposes by industries in interstate commerce.
L F		(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.
F		(6) The presence of territorial seas.
Ē		(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Located along the Gulf Intracoastal Waterway.

FILE NUMBER: D-16634

FILE NUMBER: D-100.
teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 □ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: □ Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 16968(02)

FILEN	UMBER: 16968(02)
Sta Co Cer Ap Na	CCT LOCATION INFORMATION: tte: Texas unty: Galveston nter coordinates of site (latitude/longitude): Lat 29-22-44.0805 Long 94-46-27.4611 proximate size of area (parcel) reviewed, including uplands: acres. me of nearest waterway: Gulf Intracoastal Waterway me of watershed: Gulf Intracoastal Waterway
•	mpleted: Desktop determination Site visit(s) Date: 26 Oct 2004 Site visit(s) Date: 26 Oct 2004 Date: 26 Oct 2004
In	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is along the Gulf Intracoastal Waterway.

FILE NUMBER: 16968(02)

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: Plans other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23392(01)

PROJE	CT LOCATION I	NFORMATION:		
Ce Ap Na	unty: Calhournter coordinates of sproximate size of ar	n site (latitude/longitud rea (parcel) reviewed, way: Gulf Intracoasta Gulf Intracoastal W	including Il Waterwa	
	DICTIONAL DET mpleted: Desktop Site visi	determination		Date: 18 Oct 2004 Date(s):
Jui	isdictional Determ	nination (JD):		
	Preliminary JD - I	Based on available int d/or "navigable water		☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – Ar Check all that app		ppealable	action (Reference 33 CFR part 331).
		vigable waters of the Approximate size of		tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
		ters of the United Sta		efined by 33 CFR part 328 and associated guidance) within the l area:
	There are "iso			e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	Waters defined u The presence of w	aters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B. X	(1) The presence of interstate or foreig (2) The presence of (3) The presence of sandflats, wetland destruction of white (ii) which are (iii) from white (iii) which are (4) Impoundments (5) The presence of (7) The presence of (7) The presence of (8)	of waters, which are con commerce, including of interstate waters incomposed in the state waters such a sea, sloughs, prairie pot che could affect interstor could be used by inch fish or shellfish are concould be used for sof waters otherwise of a tributary to a water of territorial seas.	urrently using all water cluding into a intrastate tholes, wet tate communiterstate or could industrial defined as er identified to other water and the country was a country to other water and the country was a c	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. ed in (1) – (4) above. atters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for the Basi	s of Jurisdictional D	eterminat	tion (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Located along the Gulf Intracoastal Waterway.

2 **FILE NUMBER:** 23392(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: Plans other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDIC HUNAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23494(01)

PRO	OJE(State	e: TX	INFORMATION:		
	App Nan	ter coordinates of a proximate size of a	un f site (latitude/longitud area (parcel) reviewed erway: Lavaca Bay West Matagorda B	, including	
JUF		ICTIONAL DE? npleted: Deskto Site vi			Date: 25 October 04 Date(s):
	Juri	isdictional Deter	mination (JD):		
		Preliminary JD - United States" a (Reference 33 C	nd/or "navigable wate	formation rs of the U	i, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	\boxtimes	Approved JD – . Check all that ap		appealable	e action (Reference 33 CFR part 331).
		☑ There are "n the reviewed are	avigable waters of the ea. Approximate size of	United St of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
			vaters of the United St Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
		There are "i	solated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	SIS (A.	Waters defined The presence of	waters that are subject	329 as "nate to the ebb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	B. ⊠ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	(1) The presence interstate or force (2) The presence (3) The presence sandflats, wetlar destruction of with the control of th	e of waters, which are eign commerce, includ e of interstate waters in e of other waters such nds, sloughs, prairie pothich could affect inter re or could be used by hich fish or shellfish a	currently or ing all war including in as intrasta otholes, wo state comminterstate or could be industriate defined a	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. In all purposes by industries in interstate commerce.
		(6) The presence	e of territorial seas.		waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23494(01)

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Kamey Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hydrological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Topographic maps: Kamey Quad U.S. Geological Survey 18 Minute Topographic maps: Kamey Quad U.S. Geological Survey 18 Minute Topographic maps: Kamey Quad U.S. Geological Survey 19 Minute Topographic maps: Kamey Quad U.S. Geological Survey 19 Minute Minute Topographic maps: Kamey Quad U.S. Geological Survey 10 Minute Minute Topographic maps: Kamey Quad U.S. Geological Survey 10 Minute Minute Topographic Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDIC HUNAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23570

CT LOCATION INFORMATION: te: TX
inty: Brazoria uter coordinates of site (latitude/longitude): Latitude 28 57' 31"; Longitude -95 17' 14" proximate size of area (parcel) reviewed, including uplands: acres. me of nearest waterway: Oyster Creek me of watershed: Austin-Oyster Huc: 12040205
pictional Determination mpleted: Desktop determination Site visit(s) Date: 26 October 2004 Date(s):
isdictional Determination (JD):
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) − (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23570

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	□ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:□ Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute H

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE	NUMBER: 235/6
Sta Co Ce Ap Na	CCT LOCATION INFORMATION: ate: Texas bunty: Fort Bend ater coordinates of site (latitude/longitude): UTM 15 247240E, 3284156N (NAD 27) Alief approximate size of area (parcel) reviewed, including uplands: 30.06 acres. ater Texas the proximate size of site (latitude/longitude): UTM 15 247240E, 3284156N (NAD 27) Alief approximate size of area (parcel) reviewed, including uplands: 30.06 acres. ater Texas a
	DICTIONAL DETERMINATION Impleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В. П	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
П	(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) = (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Adjacent Wetlands to Keegans Bayou.

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23576

L:	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver and Associates
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDIC HUNAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23578

County: Galveston Center coordinates of site (latitude/longitude): Latitude: 29 16/58"; Longitude -94 51/48" Approximate size of area (parcel) reviewed, including uplands: acres. Name of nearest waterway: Name of watershed: West Galveston Bay Hue: 12040204 JURISDICTIONAL DETERMINATION Completed: Desktop determination	Stat	
Completed: Desktop determination	Cer Ap _l Nai	nter coordinates of site (latitude/longitude): Latitude: 29 16/58"; Longitude -94 51/48" proximate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway:
Preliminary JD - Based on available information,		mpleted: Desktop determination
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD — An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.	Jur	isdictional Determination (JD):
Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) which are of could be used for indus		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of other waters such as intrastate water which are subject to the ebb and flow of the tide. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.	\boxtimes	**
reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.		☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) − (4) above.		
 A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):	<u>A.</u>	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):	B. ⊠	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(6) The presence of territorial seas.		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
Deticable for the Posis of Jurisdictional Determination (applies to any boyes checked above) If the jurisdictional		 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23578

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Galveston July 2003 - post Claudette Other photographs (Date): Aerials - date unknown Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Denial of previous permit application 21071

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23583

	CIVID 2311 23303		
Sta Cor Cer App Nar	ct Location information: te: Texas unty: Matagorda nter coordinates of site (latitude/longi proximate size of area (parcel) review me of nearest waterway: Gulf Intraco me of watershed: Gulf Intracoasta	tude): /ed, includi astal Water	way
-	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)		Date: 21 Oct 2004 Date(s):
Jur	isdictional Determination (JD):		
			on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is a Check all that apply:	an appealab	ele action (Reference 33 CFR part 331).
	There are "navigable waters of the reviewed area. Approximate size		States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	There are "waters of the United reviewed area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
			tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.		rt 329 as "r ect to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in
B. ☑	interstate or foreign commerce, incli (2) The presence of interstate waters (3) The presence of other waters suc sandflats, wetlands, sloughs, prairie destruction of which could affect int (i) which are or could be used by (ii) from which fish or shellfish	re currently uding all was including the as intrast potholes, was terstate come by interstate are or coul for industr	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or interest including any such waters (check all that apply): to or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. it is purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Located along the Gulf Intracoastal Waterway.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23583

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23586

PROJE	CT LOCATION INF	FORMATION:		
Sta	te: TX inty: Brazoria			
Cer Ap _l Nai	nter coordinates of site proximate size of area me of nearest waterwa	(parcel) reviewed,	including el	
	DICTIONAL DETER mpleted: Desktop d Site visit(s	etermination		Date: 26 October 2004 Date(s):
Jui	isdictional Determin	ation (JD):		
	Preliminary JD - Ba United States" and/o (Reference 33 CFR	or "navigable water	formation s of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – An a Check all that apply		appealable	e action (Reference 33 CFR part 331).
	☐ There are "navig the reviewed area.	gable waters of the Approximate size o	United St of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	☐ There are "water reviewed area. App			defined by 33 CFR part 328 and associated guidance) within the all area:
		nted, non-navigable Decision supported Jurisdiction.	, intra-sta l by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS A.	The presence of wat	der 33 CFR part 3 ers that are subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B . ⊠	(1) The presence of interstate or foreign	waters, which are commerce, including	currently uing all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
	(2) The presence of (3) The presence of sandflats, wetlands, destruction of which (i) which are of (ii) from which	interstate waters in other waters such a sloughs, prairie pon could affect inter- r could be used by a fish or shellfish ar	acluding in as intrasta otholes, we state common interstate re or could	nterstate wetlands ¹ . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.
	(4) Impoundments of (5) The presence of (6) The presence of	of waters otherwise a tributary to a war territorial seas.	defined a ter identif	is waters of the US. ied in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands
-	. 1 C (1. P. 1	- C I 1: - 4: 1 1	1 a 4 a m ma *	ation (applies to any bayes abadyad abaya). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23586

L	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Did or scum line along shore objects fine shell or debris deposits (foreshore) Changes in the character of soil Did or scum line along shore objects Did or s
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Day Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Galveston 2003 - post Claudette B&W photo Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Permit file from project on adjacent property.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23587

PROJE	CT LOCA	TION IN	FORMATION:		
Sta	te:	TX			
	unty:	Galvestor			
Cei	nter coordi	nates of sit	e (latitude/longitu	de):	Latitude 29 15' 48"; Longitude -94 54' 05"
Ap	proximate	size of are	a (parcel) reviewe	d, including	g uplands: acres.
Na	me of near	est waterw	ay: Galveston We	st Bay	
Na	me of wate	rshed:	West Galveston I	Bay Huc:	12040204
****	N. COTTON	I DETE	DAGISTA THOSE		
			RMINATION	M	Date: 26 October 2004
Co	mpietea:		determination	\boxtimes	
		Site visit	(s)		Date(s):
Ju	isdictiona	l Determi	nation (JD):		
П	Prelimina	arv JD - Ba	ased on available i	information	n, \square there appear to be (or) \square there appear to be no "waters of the
	United S	tates" and/	or "navigable wat part 331).	ers of the U	Jnited States" on the project site. A preliminary JD is not appealable
K7	A	1 ID A =		. ommoolohl	e action (Reference 33 CFR part 331).
⊠		that apply		арреатаон	e action (Reference 33 Cr R part 331).
	☐ There	are "navi	gable waters of th	e United St	tates" (as defined by 33 CFR part 329 and associated guidance) within
	the revie	wed area.	Approximate size	or jurisaic	dioliai area.
			ers of the United S proximate size of j		defined by 33 CFR part 328 and associated guidance) within the nal area:
	There	e are "isolo	ated, non-navigab Decision supporte Jurisdiction.	<i>le, intra-sto</i> ed by SW <i>A</i>	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS A.	Waters of	defined ur ence of wa	ters that are subject	: 329 as "n ct to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters	defined ur	ider 33 CFR nart	328.3(a) a	as "waters of the United States":
П	(1) The r	oresence of	f waters, which are	currently	used, or were used in the past, or may be susceptible to use in
*******	interstate	or foreign	n commerce, inclu	ding all wa	sters which are subject to the ebb and flow of the tide.
П	(2) The r	presence of	f interstate waters	including i	nterstate wetlands ¹ .
一百	(3) The r	oresence of	f other waters such	n as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats	, wetlands	, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
	destructi	on of whice	h could affect inte	erstate com	merce including any such waters (check all that apply):
	(i) v	which are o	or could be used by	interstate	or foreign travelers for recreational or other purposes.
	in iii ii	from which	h fish or shellfish	are or could	d be taken and sold in interstate or foreign commerce.
	iii)	which are	or could be used t	for industri	al purposes by industries in interstate commerce.
П	(4) Impo	undments	of waters otherwis	se defined	as waters of the US.
Ħ	(5) The r	oresence of	f a tributary to a w	ater identif	fied in (1) – (4) above.
Ħ			f territorial seas.		
×	(7) The p	oresence o	f wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23587

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Minute Maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Olo-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Galveston March 2003 IR photo Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): D-16123 wetland verification of delineation review by Compliance Section

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 14114(05)/837

ate: ounty: enter coordi oproximate ame of near	Texas Fort Benerates of site of are est waterw	d te (latitude/lon a (parcel) revie	gitude): ewed, includir	UTM 15 232750E 3275756N (NAD27) Richmond acres.
	Desktop	determination	N 🖾	Date: 7 October 2004 Date(s):
risdictiona	l Determi	nation (JD):		
Prelimina United S	ary JD - Batates" and/	ased on availat or "navigable"	ole informatio waters of the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
			s an appealabl	le action (Reference 33 CFR part 331).
				states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
				defined by 33 CFR part 328 and associated guidance) within the nal area:
There	e are "isolo			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
Waters of	defined un ence of wa	der 33 CFR p ters that are su	oart 329 as "n bject to the eb	bb and flow of the tide and/or are presently used, or have been used in
(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (1) The printerstate (2) The printerstate (3) The p	oresence of or foreign oresence of oresence of , wetlands on of which which are of from which which are undments oresence of	waters, which a commerce, in a commerce, in a context waters so solve the could affect or could be used in fish or shellful or could be used of waters others a tributary to a tributary tributary to a tributary tributary to a tributary t	are currently acluding all waters including is such as intrastatic potholes, with interstate comd by interstate is hare or couled for industrictivise defined a water identification.	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce. as waters of the US.
	ate: bunty: enter coordi coproximate ame of near ame of wate DICTION completed: Prelimin United S (Referen Approve Check al There the revie There reviewed The press the past, Waters of (1) The press the past, Waters of (2) The press the past, (3) The press the past, (4) Impo (5) The press (4) Impo (5) The press (6) The press (6) The press (1) The press (1) The press (2) The press (3) The press (4) The press (5) The press (6) The press (7) The press (ate: Texas punty: Fort Benerater coordinates of sign of proximate size of are arme of nearest waterwarme of watershed: DICTIONAL DETE ompleted: Desktop Site visite visit	ate: Texas punty: Fort Bend enter coordinates of site (latitude/lone) coproximate size of area (parcel) revie ame of nearest waterway: Brazos River ame of watershed: Brazos River DICTIONAL DETERMINATION completed: Desktop determination Site visit(s) Desktop determination (JD): Preliminary JD - Based on availat United States" and/or "navigable (Reference 33 CFR part 331). Approved JD - An approved JD i Check all that apply: There are "navigable waters of the reviewed area. Approximate size There are "waters of the Unite reviewed area. Approximate size There are "isolated, non-navig Decision supp Jurisdiction. OF JURISDICTIONAL DETERM Waters defined under 33 CFR p The presence of waters that are su the past, or may be susceptible for Waters defined under 33 CFR p (1) The presence of interstate wat (3) The presence of other waters s sandflats, wetlands, sloughs, prain destruction of which could affect (i) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (ii) from which fish or shellfi (iii) which are or could be use (5) The presence of a tributary to (6) The presence of territorial sea	county: Fort Bend center coordinates of site (latitude/longitude): coproximate size of area (parcel) reviewed, including ame of nearest waterway: Brazos River ame of watershed: Brazos River DICTIONAL DETERMINATION completed: Desktop determination Site visit(s) Desktop determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "isolated, non-navigable, intra-state of the past, or may be susceptible for use to transp Waters defined under 33 CFR part 329 as "In the presence of waters that are subject to the et the past, or may be susceptible for use to transp Waters defined under 33 CFR part 328.3(a): (1) The presence of waters, which are currently interstate or foreign commerce, including all waters defined under 33 CFR part 328.3(a): (2) The presence of interstate waters including all waters defined under 33 CFR part 328.3(a): (3) The presence of other waters such as intrast sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commercially interstate of foreign commerce, including all waters and flats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commercially interst

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located along the Brazos River.

FILE NUMBER: 14114(05)/837 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

	Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Plans □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological Su

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-33-026

JECT LOCATION INFORMATION: State: Texas County: Fort Bend Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including Name of nearest waterway: Sims Bayou Name of watershed: Sims Bayou	UTM 3280500N, 253250E Quad: Alief and Missouri City uplands: .017 acres.
r	Date: 20 October 2004 Date(s):
urisdictional Determination (JD):	
Preliminary JD - Based on available information,	☐ there appear to be (or) ☐ there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
Approved JD – An approved JD is an appealable a Check all that apply:	action (Reference 33 CFR part 331).
There are "navigable waters of the United Stat the reviewed area. Approximate size of jurisdiction	es" (as defined by 33 CFR part 329 and associated guidance) within anal area:
There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional	fined by 33 CFR part 328 and associated guidance) within the area:
There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.	waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No.
S OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "nav The presence of waters that are subject to the ebb a the past, or may be susceptible for use to transport	and flow of the tide and/or are presently used, or have been used in
interstate or foreign commerce, including all water (2) The presence of interstate waters including into (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comme (i) which are or could be used by interstate or (ii) from which fish or shellfish are or could be (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identified (6) The presence of territorial seas.	ed, or were used in the past, or may be susceptible to use in as which are subject to the ebb and flow of the tide. Perstate wetlands ¹ . lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. The purposes by industries in interstate commerce. Waters of the US.
S S.	ate: Texas bunty: Fort Bend center coordinates of site (latitude/longitude): coproximate size of area (parcel) reviewed, including time of nearest waterway: Sims Bayou time of watershed: Sims Bayou control Determination

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Location is in Sims Bayou.

FILE NUMBER: SWG-04-33-026 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Plans Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16284

PR	O	IF	C 1	T	OC	A	TI	ON	INI	ĒΟ	RM	Α	TIC)N	:

State: Texas County: Nueces

Center coordinates of site (latitude/longitude): 27-46-15.2901 97-32-59.2499
Approximate size of area (parcel) reviewed, including uplands: approx. less than 10 acres.

Name of nearest waterway: Oso Creek Name of watershed: Oso Creek

HIRISDICTIONAL DETERMINAT

Completed: Desktop determination Site visit(s) Date: 27 October 2004

Date: 27 October 2004

Date(s):

Jurisdictional Determination (JD):

Ø	Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

(6) The presence of territorial seas.

ω	of Junispic Howar Determination.
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
П	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
Ħ	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-16284 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Ш Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Annaville U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Nueces County, Texas National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Nueces County, Panel 485494 0295 C rev. 18 March 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District FILE NUMBER: D-16143 PROJECT LOCATION INFORMATION: State: **Texas** County: Nueces

27-49-1411 97-37-41.5381 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: approx. less than 10 acres.

Name of nearest waterway: Oso Creek Oso Creek Name of watershed:

JURISDICTIONAL	. DETERMINATION
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Completed: Desktop determination Date: 27 October 2004 Date(s): Site visit(s)

Jur	isdictional Determination (JD):
X	Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION-

\mathbf{r}	of jurisdictional determination.
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
П	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
П	(4) Impoundments of waters otherwise defined as waters of the US.
Ħ	(5) The presence of a tributary to a water identified in (1) – (4) above.
Ħ	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16143 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. \square Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: \boxtimes Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Robstown U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Nueces County, Texas National wetlands inventory maps: Robstown State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Nueces County, Panel 485494 0275 C rev. 18 March 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-12-041

PRATI	ECT LOCA	TION IN	FORMATIO	N:							
		Texas									
		Nueces	- (1-4:4-da/1am	مأديطماد	N 27 42' 1	5 72"	W07	9' 53.84'	,,		
Ce	enter coordin	ates of site	e (latitude/lon	gitude): ewed includir	N 27 43'1 ng uplands: 3.66		W 9 1	9 33.04			
Na Na	ame of neares	st waterwa	ay: Corpus Ch	risti Bay	ig apranasi sioo	,, 401001					
	ame of water		Mustang Islan								
T IDIO	DICTIONA	r December	OMINIA TION	ΔŢ							
			RMINATION letermination	` ⊠	Date: 10/28/0	04					
Č.	-	Site visit(×	Date(s): 2/9/						
			(45)								
Ju	ırisdictional						_				
	Preliminal United Sta (Reference	ates" and/	or "navigable	ble informatio waters of the	n, there app United States" o	ear to be on the pro	(or) ∐ oject site	there app e. A prelii	ear to be r minary JD	o "waters of is not appeal	the able
×	Approved Check all			is an appealab	le action (Refer	ence 33 C	CFR par	t 331).			
				of the United S size of jurisdic	States" (as definctional area:	ed by 33	CFR pa	rt 329 and	l associated	d guidance) v	vithin
					defined by 33 (nal area: 3.667.	CFR part	328 and	l associate	ed guidance	e) within the	
	■ There	are "isolo	nted, non-navi Decision sup Jurisdiction.	igable, intra-si ported by SW	tate waters or w ANCC/Migrator	etlands" y ry Bird R	within t tule Info	he reviewe ormation S	ed area. Sheet for D	etermination	of No
D A CTC	OF HIDIS	DICTION	JAI DETER	MINATION:							
DASIS A	. Waters d	lefined ur	der 33 CFR	part 329 as "r	navigable water	rs of the	United	States":			
Ē	The prese	nce of wat	ters that are su	ubject to the el	ob and flow of toot toot obtain the second interstate or	he tide an	nd∕or are	e presently	used, or h	ave been use	ed in
В	Waters d	lefined ur	der 33 CFR	nart 328.3(a)	as "waters of t	he United	d States	s":			
Š	(1) The pi	resence of	waters, which	h are currently	used, or were ι	used in the	e past, o	or may be	susceptible	e to use in	
	interstate	or foreign	commerce, i	ncluding all w	aters which are	subject to	the ebl	b and flow	of the tide	e.	
F	(2) The pr	resence of	interstate wa	ters including	interstate wetlan ate lakes, rivers	nds'.	Gnelud	ing interm	nittent stres	ims) mudflat	te
L	(3) The property sandflats	wetlands	sloughs, prai	rie potholes, v	vet meadows, pl	i, sircanis lava lakes	or nat	ural ponds	s, the use, o	degradation o	r or
	destruction	on of whic	h could affect	interstate con	nmerce includin	ig any suc	ch water	s (check a	ll that app	ly):	
	(i) w	hich are o	r could be use	ed by interstate	or foreign trav	elers for 1	recreation	onal or oth	ner purpose	es.	
	(ii) fi	rom which	n fish or shellf	fish are or cou	ld be taken and	sold in in	iterstate	or foreign	ommerc	e.	
					ial purposes by as waters of the		s in inte	istate con	imerce.		
F					ified in $(1) - (4)$						
Ē	(6) The p	resence of	territorial sea	as.							
	(7) The p	resence of	wetlands adj	acent2 to other	waters of the U	JS, except	t for the	se wetlan	ds adjacen	t to other wet	lands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-04-12-041

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: NWI and Goldston Engineering
Ba	Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: Crane Islands NW U.S. Geological Survey Hydrologic Atlas: Crane Islands NW U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Alaman Resources Conservation Service Soil Survey: National wetlands inventory maps: Crane Island NW State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 2/9/04 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16306

PRO	JEC	T LOCA	TION IN	FORMATION:				
	State	e:	Texas					
	Cou		Starr				***************************************	
	Cent	er coordii	nates of sit	e (latitude/longit	ude):		W98° 43' 40"	
	App	roximate	size of area	a (parcel) review	ed, including	g uplands:	acres.	
				ay: Rio Grande				
	Nam	e of wate	rshed:					
IUR	ISDI	ICTIONA	AL DETE	RMINATION				
				determination	\boxtimes	Date: 9/27/04	1	
		•	Site visit(Date(s):		
			Site Hair	(0)	**************************************	(.)		
	-			nation (JD):				
		United St	tates" and/	ased on available for "navigable wa part 331).	information iters of the U	n,	ear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable	3
	\boxtimes		d JD – An l that apply		ın appealable	e action (Refere	ence 33 CFR part 331).	
		There	are "navi wed area.	gable waters of t Approximate siz	he United St e of jurisdic	tates" (as define tional area:	ed by 33 CFR part 329 and associated guidance) with .	in
		There reviewed	are "wate area. App	ers of the United proximate size of	States" (as of jurisdiction	defined by 33 Coal area:	CFR part 328 and associated guidance) within the	
		There	e are "isolo	ated, non-naviga Decision suppor Jurisdiction.	ble, intra-sta ted by SWA	ate waters or we ANCC/Migrator	etlands" within the reviewed area. ry Bird Rule Information Sheet for Determination of I	No
RAS	STS C	F HIRIS	DICTION	NAL DETERMI	NATION:			
DAS	A.	Waters (defined ur	ider 33 CFR pai	rt 329 as "n	avigable water	rs of the United States":	
	Ö	The prese	ence of wa	ters that are subj	ect to the eb	b and flow of th	he tide and/or are presently used, or have been used in foreign commerce.	1
	В.	Waters	defined ur	nder 33 CFR par	rt 328.3(a) a	is "waters of th	he United States":	
		(1) The p	presence of	f waters, which a	re currently	used, or were u	ised in the past, or may be susceptible to use in	
		interstate	or foreign	n commerce, incl	uding all wa	ters which are s	subject to the ebb and flow of the tide.	
		(2) The p	oresence of	f interstate waters	s including i	nterstate wetlan	ids'.	
	Ш	(3) The p	oresence of	f other waters suc	ch as intrasta	ite lakes, rivers,	, streams (including intermittent streams), mudflats,	
		sandflats	, wetlands	, sloughs, prairie	potnoies, w	et meadows, pia	aya lakes, or natural ponds, the use, degradation or	
		destructi	on or which	en could affect in	terstate com	or foreign trave	g any such waters (check all that apply): elers for recreational or other purposes.	
		日 (i) v	vnich are c	or could be used t	y interstate	or ioreign trave	sold in interstate or foreign commerce.	
		片 (ii)	which are	or could be used	l for industri	al nurnoses hy i	industries in interstate commerce.	
	П	(4) Impo	willCii ale undments	of waters otherw	ise defined :	as waters of the	IIS	
	H	(5) The r	oresence o	f a tributary to a	water identif	fied in (1) – (4)	above.	
	H	(6) The r	presence of	f territorial seas.				
	Ħ	(7) The p	oresence o	f wetlands adjace	ent ² to other	waters of the U	JS, except for those wetlands adjacent to other wetland	ds.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16306 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: aerial photography other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sagunada Ranch U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16318

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetland is contiguous with West Bay which is a navigable water of the United States subject to the daily tide. Therefore, the wetland is adjacent and is subject to Section 404 of the Clean Water Act.

FILE NUMBER: D-16318 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix, Inc. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 16 July 2004, prepared by (company): Entrix, Inc. This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas:

U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como, Tex. Photorevised 1974

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

USDA Natural Resources Conservation Service Soil Survey: Galveston County

National wetlands inventory maps:

State/Local wetland inventory maps:

FEMA/FIRM maps (Map Name & Date):

100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): March 2003 General Land Office Infrared Aerials Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 22 July 2004 Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16377

PROJECT I	LOCATION	INFORMATION:
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State: Texas County: Brazoria

29° 25' 27"N, 95° 13' 32"W Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 18- acres

Name of nearest waterway: Mustang Bayou

Name of watershed: Unknown

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Completed:	Desktop determination	\boxtimes	Date: 25 October 2004
	Site visit(s)	П	Date(s):

Invisdictional Determination (III)

Jui	isulctional Determination (6D).
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands $^{\tilde{I}}$.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Since the project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not have a surface hydrologic connection to a water of the United States, the wetlands within the project area are isolated with no known nexus to interstate commerce. Therefore, no waters of the United States, including adjacent wetlands are present within the project site. As such, working or discharging dredged or fill material within the project site is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act and will not require a Department of the Army permit.

FILE NUMBER: D-16377 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics
tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Algoa U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Algoa State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 48039CO165H, 5 June 1989 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Wetland Delineation 29 July 2004

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** I-4940

PROJECT LOCATION INFORMATI

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 19' 20" N 94 55' 26" W Approximate size of area (parcel) reviewed, including uplands: 2.5 Miles

	ame of neare		ay: Jones Bay st Bay					
			RMINATION determination (s)			Date: 26 Oct 2004 Date(s):		
Ju	risdictional	l Determi	nation (JD):					
E	United St		or "navigable wa			☐ there appear to be (or) ☐ there appear to be no "waters of the lited States" on the project site. A preliminary JD is not appealable		
×		d JD – An I that apply		n appeala	able a	action (Reference 33 CFR part 331).		
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	■ There					e waters or wetlands" within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No		
			AL DETERMI					
A.	The prese	ence of wat	ers that are subje	ect to the e	ebb a	rigable waters of the United States": and flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.		
В.	Waters d	lefined un	der 33 CFR par	t 328.3(a)	ı) as	"waters of the United States":		
						ed, or were used in the past, or may be susceptible to use in rs which are subject to the ebb and flow of the tide.		
						erstate wetlands ¹ .		
						lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or		
						erce including any such waters (check all that apply):		
						foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.		
						purposes by industries in interstate commerce.		
	(4) Impou	undments o	of waters otherw:	ise defined	ed as	waters of the US.		
				vater iden	ıtifie	d in (1) – (4) above.		
			territorial seas. wetlands adjace	nt ² to othe	er wa	aters of the US, except for those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The unnamed tidal canal is subject to the ebb and flow of the daily tide and therefore is a navigable water of the United States.

FILE NUMBER: I-4940 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virgina Point, Texas Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

FILE NUMBER: D-16123

ate: Texas ounty: Galventer coordi oproximate ame of near	veston linates of site (latitude/lo e size of area (parcel) rev rest waterway: West Ba	ongitude): 29 1: viewed, includi	5' 46" N 94 54' 07" W ng uplands: 0.91-acres.
			Date: Date(s): 19 Aug 2004
risdictiona	al Determination (JD):		
United S	states" and/or "navigable	able information waters of the	on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Approved Check all	ed JD – An approved JD ll that apply:	is an appealab	le action (Reference 33 CFR part 331).
☑ There the review	e are "navigable waters wed area. Approximate	of the United S size of jurisdic	states" (as defined by 33 CFR part 329 and associated guidance) within ctional area: Unknown.
☑ <i>There</i> reviewed	e are "waters of the Unit l area. Approximate size	ed States" (as e of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
☐ There	e are "isolated, non-nav Decision sup Jurisdiction.	igable, intra-st ported by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No
Waters d The prese	defined under 33 CFR ence of waters that are st	part 329 as "nabject to the eb	b and flow of the tide and/or are presently used, or have been used in
(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) William (5) The printerstate (4) Impour (5) Impour (6)	presence of waters, which or foreign commerce, in presence of interstate was presence of other waters, wetlands, sloughs, prain on of which could affect which are or could be used from which fish or shellf which are or could be usundments of waters other resence of a tributary to	n are currently neluding all was ters including it such as intrastatic potholes, we interstate comed by interstate ish are or could ted for industriarwise defined a water identif	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): For foreign travelers for recreational or other purposes. If be taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce.
	ate: Texas ounty: Galventer coord per proximate ame of nea ame of water of mane of mane of water of mane o	ate: Texas county: Galveston center coordinates of site (latitude/location proximate size of area (parcel) revalue of nearest waterway: West Bay ame of watershed: West Bay DICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) risdictional Determination (JD): Preliminary JD - Based on availate United States" and/or "navigable (Reference 33 CFR part 331). Approved JD - An approved JD Check all that apply: There are "navigable waters the reviewed area. Approximate area. Approximate area. Approximate size area isolated, non-nav. There are "isolated, non-nav. Decision sup Jurisdiction. OF JURISDICTIONAL DETER Waters defined under 33 CFR The presence of waters that are so the past, or may be susceptible for the presence of interstate waters are succeptible for the presence of other waters are sandflats, wetlands, sloughs, prain destruction of which could affect (i) which are or could be use (ii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iiii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (iii) from which fish or shellf (iii) which are or could be use (ii	pounty: Galveston enter coordinates of site (latitude/longitude): 29 1: proproximate size of area (parcel) reviewed, includication of nearest waterway: West Bay arme of watershed: West Bay arme of waters of the United States are are "navigable waters of the (Reference 33 CFR part 331). Approved JD – An approved JD is an appealab Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "isolated, non-navigable, intra-st Decision supported by SWA Jurisdiction. OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "n The presence of waters that are subject to the eb the past, or may be susceptible for use to transpershed under 33 CFR part 328.3(a) at (1) The presence of waters, which are currently interstate or foreign commerce, including all was (2) The presence of interstate waters including it (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate commerced in which are or could be used by interstate commerced in which fish or shellfish are or could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could be used by interstate commerced in the state of could

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The southern wetland is in close proximity to, and therefore adjacent to, West Bay. West Bay is a navigable water of the United States subject to the ebb and flow of the daily tide. Therefore, the wetland is adjacent to West Bay. Additionally, an undetermined amount of the property is located below the Annual High Tide Line of West Bay.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)	FILE NUMBER: D-16123
	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	☐ oil or ☐ fine sl	Line indicated by: scum line along shore objects hell or debris deposits (foreshore) cal markings/characteristics tages
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings;	☐ vegetation lines/cl	nanges in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland Delineation done by Glenn Weitknecht, USACE	l delineation map and/	'or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR patheadquarters declined to approve jurisdiction on the batheadquarters declined a case-specific determination that United States: Waste treatment systems, including treatment partificially irrigated areas, which would revert the Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land inciting the purpose of obtaining fill, sand, or gravel unla abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavated Other (explain):	asis of 33 CFR part 32 the following waters onds or lagoons, pursito upland if the irrigat g and/or diking dry lar such purposes as stock as small ornamental book atter for primarily aesidental to construction ess and until the construction is the definition of waterstate commerce.	28.3(a)(3). present on the site are not Waters of the uant to 33 CFR part 328.3. ion ceased. ind to collect and is watering, irrigation, settling basins, or dies of water created thetic reasons. in activity and pits excavated in dry land for truction or excavation operation is ters of the United States found at 33 CFR
	Maps, plans, plots or plat submitted by or on behalf of the ap Data sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, This office does not concur with the delineation report a sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survational wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Texas Glo March 20 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 19 Aug 2004 Applicable/supporting case law: Other information (please specify):	he applicant. pplicant. prepared by: (ort, dated s: : rvey:	COmpany)

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16419

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28 57' 56"N 95 16' 16"W Approximate size of area (parcel) reviewed, including uplands: 0.31 acres.

				stin-Oyster Creek	ζ				
				RMINATION determination (s)		Date: Date(s): 20 Oct 2004			
	Juri	sdictiona	l Determi	nation (JD):					
1		United S		or "navigable wa		n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable			
1	Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
		There	are "isolo			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.			
BASI	S O	F JURIS	DICTION	AL DETERMIN	NATION:				
36		The prese	ence of wat	ers that are subje	ct to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			
[]	(1) The p interstate	resence of or foreign	waters, which are commerce, inclu	e currently t ding all wat	uses "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands.			
		(3) The p sandflats, destruction (i) w	resence of wetlands, on of which which are or	other waters such sloughs, prairie p a could affect inter could be used by	n as intrasta potholes, we erstate comr y interstate o	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.			
	3	(4) Impou (5) The p (6) The p	andments of resence of resence of	of waters otherwis a tributary to a w territorial seas.	se defined a ater identifi	al purposes by industries in interstate commerce. s waters of the US. ied in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are contiguous with Swan lake which is a navigable water of the United States subject to the ebb and flow of the daily tide.

Laton	red Extent of Invitalistics (D. C	FILE NUMBER: D-16419
	ral Extent of Jurisdiction: (Reference: 33 CFR parts 3: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	28 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
□ M	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐	vegetation lines/changes in vegetation types.
□ w	Wetland boundaries, as shown on the attached wetland d	elineation map and/or in a delineation report prepared by:
☐ Th ☐ Ur ☐ He ☐ Th	Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating a retain water and which are used exclusively for su rice growing. Artificial reflecting or swimming pools or other sr by excavating and/or diking dry land to retain wat Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets to 328.3(a). Isolated, intrastate wetland with no nexus to inters	s of 33 CFR part 328.3(a)(3). e following waters present on the site are not Waters of the ds or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. nd/or diking dry land to collect and ch purposes as stock watering, irrigation, settling basins, or mall ornamental bodies of water created er for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated	
Data Data Corporation U.S. U.S. U.S. U.S. U.S. Nation FEM 100-	ATEWED FOR JURSIDICTIONAL DETERMINATIONS, plans, plots or plat submitted by or on behalf of the ata sheets prepared/submitted by or on behalf of the appl. This office concurs with the delineation report, dated. This office does not concur with the delineation report a sheets prepared by the Corps. This office does not concur with the delineation report a sheets prepared by the Corps. This office does not concur with the delineation report a sheets prepared by the Corps. This office does not concur with the delineation report a sheets prepared by the Corps. This office does not concur with the delineation report at sheets prepared by the Corps. This office does not concur with the delineation report at the delineation report at sheets. This office does not concur with the delineation report at the apple of	applicant. icant. , prepared by (company): , dated , prepared by (company): eeport, Texas Quad
Othe Adv. Site App. Othe	ner photographs (Date): vanced Identification Wetland maps:	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

UMBER: I-4555 CT LOCATION INFORMA te: Texas inty: Orange ter coordinates of site (latitude proximate size of area (parcel) me of nearest waterway: Tiger	/longitude): reviewed, includi Creek			58"W			
		Date: Date(s):	3/6/02, 10/15/03, 8/4	4/04			
isdictional Determination (J)):						
United States" and/or "navig	ble waters of the	on, there of United States	ppear to be (or) the project site.	nere appear to be no "waters of the A preliminary JD is not appealable	: B		
Approved JD – An approved Check all that apply:	JD is an appealab	ole action (Re	ference 33 CFR part 3	331).			
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
☐ There are "waters of the reviewed area. Approximate	Jnited States" (as size of jurisdiction	s defined by 3	3 CFR part 328 and a 1.87-acre of impact	ssociated guidance) within the			
Decision	supported by SW				No		
Waters defined under 33 C The presence of waters that a	FR part 329 as "re subject to the el	navigable wa bb and flow o	f the tide and/or are p	resently used, or have been used in	1		
(1) The presence of waters, winterstate or foreign commend (2) The presence of interstate (3) The presence of other was andflats, wetlands, sloughs, destruction of which could a (i) which are or could be (ii) from which fish or s (iii) which are or could (4) Impoundments of waters (5) The presence of a tributar (6) The presence of territoria	hich are currently e, including all w waters including ers such as intrass prairie potholes, v fect interstate cor used by interstate hellfish are or cou we used for industr otherwise defined by to a water ident seas.	y used, or were vaters which a interstate we tate lakes, riv wet meadows merce include or foreign tall be taken a rial purposes I as waters of iffied in (1) –	e used in the past, or re subject to the ebb a clands ¹ . ers, streams (including playa lakes, or naturaling any such waters (ravelers for recreation and sold in interstate or by industries in interstate US. (4) above.	may be susceptible to use in and flow of the tide. g intermittent streams), mudflats, al ponds, the use, degradation or (check all that apply): al or other purposes. foreign commerce. tate commerce.	do		
	te: Texas Inty: Orange Inter coordinates of site (latitude oroximate size of area (parcel) or me of nearest waterway: Tiger me of watershed: Neches R ICTIONAL DETERMINAT mpleted: Desktop determinate Site visit(s) Isidictional Determination (JI Preliminary JD - Based on av United States" and/or "naviga (Reference 33 CFR part 331). Approved JD - An approved Check all that apply: There are "navigable water the reviewed area. Approximate There are "solated, non-new water of the United States" and/or "navigate the reviewed area. Approximate There are "isolated, non-new waters of the United States" and the past, or may be susceptible Waters defined under 33 CI (1) The presence of waters that are the past, or may be susceptible Waters defined under 33 CI (1) The presence of interstate (2) The presence of other waters andflats, wetlands, sloughs, and set of the could be in the presence of other waters andflats, wetlands, sloughs, and set or could be in the presence of a tributar (6) The presence of a tributar (6) The presence of territorial	UMBER: I-4555 CT LOCATION INFORMATION: te: Texas inty: Orange iter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including ne of nearest waterway: Tiger Creek ine of watershed: Neches River DICTIONAL DETERMINATION inpleted: Desktop determination Site visit(s) Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States are invised area. Approximate size of jurisdiction. There are "isolated, non-navigable, intrassive defined under 33 CFR part 329 as "The presence of waters that are subject to the ethe past, or may be susceptible for use to transical waters defined under 33 CFR part 328.3(a) The presence of waters that are subject to the ethe past, or may be susceptible for use to transical interstate or foreign commerce, including all we (2) The presence of interstate waters including (3) The presence of other waters such as intrassandflats, wetlands, sloughs, prairie potholes, destruction of which could affect interstate corigin from which fish or shellfish are or could be used by interstating (iii) from which fish or shellfish are or could limpoundments of waters otherwise defined (5) The presence of a tributary to a water identical forms of the presence of territorial seas.	UMBER: I-4555 CT LOCATION INFORMATION: te: Texas intry: Orange inter coordinates of site (latitude/longitude): 30° 07' proximate size of area (parcel) reviewed, including uplands: me of nearest waterway: Tiger Creek me of watershed: Neches River DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)	UMBER: I-4555 CT LOCATION INFORMATION: te: Texas inty: Orange ter coordinates of site (latitude/longitude): 30° 07' 48"N, 94° 01' oroximate size of area (parcel) reviewed, including uplands:3260 lft one of nearest waterway: Tiger Creek me of watershed: Neches River MCTIONAL DETERMINATION Impleted: Desktop determination	UNBER:		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tiger Creek is a named tributary of the Neches River, a navigable water of the United States.

FILE NUMBER:

I-4555

La	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1998 OCDD GIS data base Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16229

Sta Cor Cer Ap	te: unty: nter coordin proximate me of neard me of wate	Texas Harris nates of sit size of are est waterw	te (latitude a (parcel)	:/longitude	e): including	260011; 3279954 uplands: acres				
	DICTIONA mpleted:		determina		⊠ □	Date: 21 October 200 Date(s):	04			
Jui	risdictiona	ıl Determi	nation (Jl	D):						
×	United S	ary JD - B tates" and ce 33 CFR	or "navig	able water	formation, s of the U	there appear to be nited States" on the pr	e (or) 🔀 there roject site. A p	appear to be preliminary J	e no "waters of D is not appeala	the able
		d JD – An I that appl		JD is an a	ppealable	action (Reference 33	CFR part 331)			
	There	e are "navi wed area.	igable wat Approxin	ers of the nate size o	United Sta f jurisdict	tes" (as defined by 33 onal area:	3 CFR part 329	and associa	ted guidance) w	ithin/
		e are "wate l area. Ap				efined by 33 CFR par l area: .	t 328 and asso	ciated guidar	nce) within the	
	☐ There	e are "isol	ated, non- Decision Jurisdicti	supported	, intra-sta I by SWA	e waters or wetlands" NCC/Migratory Bird	' within the rev Rule Informati	riewed area. on Sheet for	Determination	of No
BASIS A.	The pres	defined un ence of wa	nder 33 C nters that a	FR part 3 re subject	29 as "na to the ebb	vigable waters of the and flow of the tide a t interstate or foreign	and/or are prese	s": ently used, o	r have been use	d in
B.	(1) The printerstate (2) The printerstate (3) The printerstate (4) Important (5) The printerstate (3) The printerstate (4) Important (5) The printerstate (3) The printerstate (3	presence of e or foreign presence of presence of the presence	f waters, very commerce of interstated fother was solved, solved a could a correct for could be corrected for could be corrected for waters of a tributar	which are coe, including waters in ters such a prairie poffect interse used by inhellfish are be used for otherwise ry to a water.	currently ung all wat cluding in as intrastat tholes, we state communiterstate or could r industria defined a	"waters of the Units sed, or were used in the ters which are subject terstate wetlands ¹ . The lakes, rivers, stream the meadows, playa lakes are including any substrained in the taken and sold in the lakes of the US. The lakes of the US. The lakes are sold in (1) – (4) above.	he past, or may to the ebb and as (including in es, or natural p ach waters (che r recreational o interstate or for	flow of the t termittent stronds, the use eck all that ap r other purporeign comme	ide. reams), mudflat e, degradation of pply): oses.	s, r
	(7) The	presence o presence o	f wetlands	adjacent ²	to other v	vaters of the US, exce	pt for those we	tlands adjac	ent to other wet	lands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16229

teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:									
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.									
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation									
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:									
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):									
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:									

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16210

PRO	Cou Cen App Nan			277706;3298495 aplands: acres.
JUF		ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s)		Date: 16 October 2004 Date(s):
	Juri	isdictional Determination (JD):		
		Preliminary JD - Based on available informat	ion, [e Uni	Ithere appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
		Approved JD – An approved JD is an appealacheck all that apply:	able a	ction (Reference 33 CFR part 331).
		There are "navigable waters of the United the reviewed area. Approximate size of jurisc	l State dictio	es" (as defined by 33 CFR part 329 and associated guidance) within anal area:
		There are "waters of the United States" (reviewed area. Approximate size of jurisdict		fined by 33 CFR part 328 and associated guidance) within the area:
		There are "isolated, non-navigable, intra Decision supported by SV Jurisdiction.	-state WAN	waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No
BAS	SIS (A.	OF JURISDICTIONAL DETERMINATION Waters defined under 33 CFR part 329 as The presence of waters that are subject to the the past, or may be susceptible for use to trans	"nav	and flow of the tide and/or are presently used, or have been used in
	B.	interstate or foreign commerce, including all (2) The presence of interstate waters includin (3) The presence of other waters such as intra sandflats, wetlands, sloughs, prairie potholes destruction of which could affect interstate of (i) which are or could be used by interstate.	tly use water water ig intensitate astate , wet omme ate or	ed, or were used in the past, or may be susceptible to use in so which are subject to the ebb and flow of the tide.
		(iii) which are or could be used for indust (4) Impoundments of waters otherwise define (5) The presence of a tributary to a water ide (6) The presence of territorial seas.	strial ed as ntified	purposes by industries in interstate commerce. waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16210 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

JMBER: D-16585 CT LOCATION INFORMATION: e: Texas nty: Harris ter coordinates of site (latitude/longir roximate size of area (parcel) review ne of nearest waterway: Sims Bayou	ude): ed, includir			
	⊠ □	Date: Date(s):	10/26/04	
isdictional Determination (JD):				
Preliminary JD - Based on available United States" and/or "navigable w (Reference 33 CFR part 331).	information in the	on, there a United States	ppear to be (or) there appear on the project site. A prelimina	to be no "waters of the ary JD is not appealable
Approved JD – An approved JD is a Check all that apply:	ın appealab	le action (Ref	Ference 33 CFR part 331).	
There are "navigable waters of the reviewed area. Approximate size	he United S e of jurisdi	States" (as des ctional area:	fined by 33 CFR part 329 and ass	sociated guidance) within
There are "waters of the United reviewed area. Approximate size of	States" (as f jurisdictio	defined by 3 nal area:	3 CFR part 328 and associated g	uidance) within the
There are "isolated, non-navigo Decision suppo Jurisdiction.	ble, intra-s	tate waters or ANCC/Migra	wetlands" within the reviewed a story Bird Rule Information Shee	rea. t for Determination of No
Waters defined under 33 CFR pa The presence of waters that are sub-	rt 329 as "i ect to the el	navigable wa bb and flow c	of the tide and/or are presently use	ed, or have been used in
(1) The presence of waters, which a interstate or foreign commerce, inc (2) The presence of interstate water (3) The presence of other waters su sandflats, wetlands, sloughs, prairie destruction of which could affect in (i) which are or could be used (ii) from which fish or shellfis (iii) which are or could be used (4) Impoundments of waters otherw (5) The presence of a tributary to a (6) The presence of territorial seas.	re currently uding all w s including ch as intrasi potholes, w terstate cor by interstate a are or cou d for industrates vise defined water ident	y used, or wer vaters which a interstate we tate lakes, riv wet meadows mmerce include or foreign trailed be taken an rial purposes I as waters of iffied in (1) –	re used in the past, or may be suscere subject to the ebb and flow of tlands ¹ . ers, streams (including intermitte, playa lakes, or natural ponds, the ding any such waters (check all the avelers for recreational or other part and sold in interstate or foreign coby industries in interstate commetthe US. (4) above.	ent streams), mudflats, the use, degradation or that apply): purposes. In the control of the con
	JMBER: D-16585 CT LOCATION INFORMATION: E: Texas Inty: Harris Iter coordinates of site (latitude/longituroximate size of area (parcel) review the of nearest waterway: Sims Bayou the of watershed: Buffalo Bayou the of waters and/or "navigable waters of the United States" and/or "navigable waters of the United reviewed area. Approximate size of the reviewed area. Approximate size of the reviewed area. Approximate size of the united reviewed area. Approximate	IMBER: D-16585 CT LOCATION INFORMATION: e: Texas nty: Harris ter coordinates of site (latitude/longitude): roximate size of area (parcel) reviewed, including the of nearest waterway: Sims Bayou the of watershed: Buffalo Bayou ICTIONAL DETERMINATION INPleted: Desktop determination Site visit(s) Isdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealabe Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "solated, non-navigable, intra-s Decision supported by SW Jurisdiction. DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "The presence of waters that are subject to the e the past, or may be susceptible for use to trans; Waters defined under 33 CFR part 328.3(a) (1) The presence of waters, which are currently interstate or foreign commerce, including all w (2) The presence of interstate waters including (3) The presence of other waters such as intras sandflats, wetlands, sloughs, prairie potholes, of destruction of which could affect interstate cor (i) which are or could be used by interstat (iii) from which fish or shellfish are or cou- (iii) which are or could be used for indust (4) Impoundments of waters otherwise defined (5) The presence of a tributary to a water ident (6) The presence of territorial seas.	DMBER: D-16585 TT LOCATION INFORMATION: E: Texas Inty: Harris Iter coordinates of site (latitude/longitude): 29° 37' Iroximate size of area (parcel) reviewed, including uplands: Interest of nearest waterway: Sims Bayou Interest of nearest waters of the United States Interest of nearest of nearest of the United States Interest of the U	TILOCATION INFORMATION: Trexas Inty: Harris ter coordinates of site (latitude/longitude): 29° 37′ 39″N, 95° 27′ 54″W roximate size of area (parcel) reviewed, including uplands:N/A ne of nearest waterway: Sims Bayou ne of watershed: Buffalo Bayou ICTIONAL DETERMINATION INDICATIONAL DETERMINATION INDICATIONAL DETERMINATION Preliminary JD - Based on available information, there appear to be (or) there appear United States" and/or "navigable waters of the United States" on the project site. A preliminar (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and ass the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated g reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed a pocision supported by SWANCC/Migratory Bird Rule Information Shee Jurisdiction. DEF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently us the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of interstate waters including all waters which are subject to the ebb and flow of (2) The presence of other waters such as intrastate lakes, rivers, streams (including intermitte sandlats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the destruction of which eould affect interstate commerce including any such waters (check all till on) which are or could be used for industrial purposes b

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16585

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba:	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hinter Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16192

PROJEC	T LOCATION INFORMATION:		
State	e: Texas		
Cou			
Cent	er coordinates of site (latitude/longitude	e):	403314;3314964
App	roximate size of area (parcel) reviewed,	including	g uplands: acres.
	ne of nearest waterway:		
	ne of watershed:		
JURISD	ICTIONAL DETERMINATION		
	npleted: Desktop determination	\boxtimes	Date: 18 October 2004
	Site visit(s)		Date(s):
	Site (18in(8)	-	
Juri	sdictional Determination (JD):		
	United States" and/or "navigable water	formation s of the U	, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).		
\boxtimes	Approved JD - An approved JD is an a	ppealable	e action (Reference 33 CFR part 331).
	Check all that apply:		
	There are "novigable waters of the	Linited St	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size o	f jurisdict	ional area: .
	There are "waters of the United Sta	ites" (as o	defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jur	risdiction	al area: .
	There are "isolated, non-navigable,	, intra-sta	ate waters or wetlands" within the reviewed area.
	Decision supported	l by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.		
DACIC (OF JURISDICTIONAL DETERMINA	ATION:	
DASIS (Waters defined under 33 CFR part 3	129 as "na	avigable waters of the United States":
A.	The presence of waters that are subject	to the ebl	b and flow of the tide and/or are presently used, or have been used in
لسا	the past, or may be susceptible for use	to transpo	ort interstate or foreign commerce.
	the past, of may be susceptione for acc		<u></u>
В.	Waters defined under 33 CFR part 3	328.3(a) a	s "waters of the United States":
Ö	(1) The presence of waters, which are o	currently	used, or were used in the past, or may be susceptible to use in
لتتنا	interstate or foreign commerce, includi	ng all wa	ters which are subject to the ebb and flow of the tide.
П	(2) The presence of interstate waters in	cluding i	nterstate wetlands ¹ .
H	(2) The presence of other waters such a	as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
	candflate wetlands sloughs prairie no	tholes w	et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect inters	state com	merce including any such waters (check all that apply):
	(i) which are or could be used by i	interstate	or foreign travelers for recreational or other purposes.
	(i) from which fish or shellfish ar	e or could	d be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for	r industri	al purposes by industries in interstate commerce.
m	(4) Impoundments of waters otherwise	defined	as waters of the US
H	(5) The presence of a tributary to a wat	tar identif	ied in (1) = (4) above
片	(6) The presence of a tributary to a water (6).	ici idelitli	ica in (1) (7) a0016.
片	(7) The presence of watlands adjacent ²	to other	waters of the US, except for those wetlands adjacent to other wetlands.
	(1) The presence of wettands adjacent	to other	waters of the ob, except for those wettands adjacent to other wettands.
Rat	tionale for the Basis of Jurisdictional I	Determin	ation (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16192

ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation
is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG FILE NUMBER: D-16094

FIL	E NU	MBER:	D-16094	•			
PRO	Cour Cent App Nam	nty: ter coordii	Texas Harris nates of size of an	site (latitu rea (parce	IATION: ude/longitudel) reviewed	le): , including	301939; 3285356 g uplands: acres.
JUR		ICTIONAnpleted:		o determi		X X	Date: 13 October 2004 Date(s): 13 October 2004
	Juri	sdictiona	l Detern	nination	(JD):		
		Prelimina United S (Reference	tates" an	d/or "nav	igable wate	nformation ers of the U	there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Ø	Approve Check al			red JD is an	appealable	e action (Reference 33 CFR part 331).
		There	e are "na wed area	vigable v . Approx	vaters of the ximate size	United Stored Stored	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		There	e are "wa l area. A	aters of the	ne United St ate size of j	ates" (as d	defined by 33 CFR part 328 and associated guidance) within the al area:
		⊠ There	e are "iso	olated, no Decisi Jurisdi	on supporte	e, intra-sta d by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	Α.	Waters of	defined tence of w	under 33 vaters tha	it are subjec	329 as "na t to the ebb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	В. П	(1) The printerstate (2) The property (3) The property sandflate destruction (i) where the property (ii) and the property (iii) and the property (iii) and the property (iii) and the property (iiii) and the property (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	oresence or forei oresence oresence s, wetland on of wh	of waters gn comm of interst of other ds, slough tich could c or could	s, which are nerce, include tate waters i waters such hs, prairie p d affect inter I be used by	currently using all was including in as intrasta otholes, we retate commitments as interstate of the currents as interstate of the currents are committered.	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands. It te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-16094

La	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Departs of the presence of litter and debris Departs of the presence of litter and debris Departs of the character of soil Departs of the character of soil Departs of the presence of litter and debris Departs of the character of soil Departs of the character of soil Departs of the presence of litter and debris Departs of the character of soil Departs of the character of soil Departs of the character of the character of soil Departs of the character of th									
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.									
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation									
Ba No.	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage Other (explain):									
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 01 May 2003, prepared by (company): Crouch Environmental Inc.									
	This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological Survey 1									

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** I-4880

PROJ	ECT L	OCATION I	NFORMATION:		
St	tate:	Texas			
	ounty:	Tyler			
C	enter c	oordinates of s	site (latitude/longitud	de):	Zone 15 380457E 3424013N
Α	pproxi	mate size of ar	rea (parcel) reviewed	i, including	g uplands: acres.
N	ame of	nearest water	way: Unnamed Trib	utary of Jo	hns Branch
N	ame of	watershed:	Neches River		
			ERMINATION	D23	Deter
C	omple		determination	iĝ. Elem	Date:
		Site vis	it(s)	\boxtimes	Date(s): 20 February 2004; 13 August 2004
Jı	urisdic	tional Determ	nination (JD):		
E	7 Pre	liminary JD - l	Based on available is	nformation	, \square there appear to be (or) \square there appear to be no "waters of the
-	Uni	ted States" an	d/or "navigable wate	ers of the U	United States" on the project site. A preliminary JD is not appealable
		ference 33 CF			• • • • •
	•		-		
\triangleright				appealable	e action (Reference 33 CFR part 331).
	Che	eck all that app	oly:		
		mı "	· 11	. II'4 J C4	on defined by 22 CED next 220 and accoming quidance) within
	L.	There are "na	vigable waters of the	of invisions	ates" (as defined by 33 CFR part 329 and associated guidance) within
	tne	reviewed area	. Approximate size	or jurisaic	tional alca.
	M	There are "wa	oters of the United St	tates" (as o	defined by 33 CFR part 328 and associated guidance) within the
			pproximate size of j		
			••		
	8	There are "iso	olated, non-navigabl	le, intra-sta	ate waters or wetlands" within the reviewed area.
		4.5	Decision supporte	ed by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
BASIS	S OF J	URISDICTIO	ONAL DETERMIN	IATION:	0.1 TI 1. 1.04 4 W
A	. Wa	iters defined i	under 33 CFR part	329 as "n	avigable waters of the United States":
	1 The	presence of v	vaters that are subject	t to the eb	b and flow of the tide and/or are presently used, or have been used in
	the	past, or may b	be susceptible for use	e to transpo	ort interstate or foreign commerce.
n	XX 1_	defined .	under 22 CED part	329 3(a) a	s "waters of the United States":
B	. wa (1)	The presence	unuer 33 CFK part of waters, which are	S20.S(a) a	used, or were used in the past, or may be susceptible to use in
E	inte	retate or forei	on commerce include	dino all wa	ters which are subject to the ebb and flow of the tide.
E	1 (2)	The presence	of interstate waters	including i	nterstate wetlands ¹ .
5	$\frac{1}{1}$ (2)	The presence	of other waters such	as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
L	san	dflats wetland	ds. sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
	des	truction of wh	ich could affect inte	rstate com	merce including any such waters (check all that apply):
	П	(i) which are	or could be used by	interstate	or foreign travelers for recreational or other purposes.
	П	(ii) from whi	ich fish or shellfish a	are or could	d be taken and sold in interstate or foreign commerce.
		(iii) which a	re or could be used f	or industri	al purposes by industries in interstate commerce.
	$\overline{1}$ $\overline{(4)}$	Impoundment	ts of waters otherwis	se defined a	as waters of the US.
Ď	(5)	The presence	of a tributary to a w	ater identif	fied in $(1) - (4)$ above.
E	1 (6)	The presence	of territorial seas.		
	(7)	The presence	of wetlands adjacen	t ² to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Unnamed trib flows into Johns Branch which flows into the Neches River, a navigable water of the U.S.

2 FILE NUMBER: I-4880 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Boggy Lake U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: FEMA/FIRM maps (Map Name & Date): (NGVD)

the presence of litter and debris

changes in the character of soil

Mean High Water Mark indicated by:

Basis For Not Asserting Jurisdiction:

rice growing.

328.3(a).

Other (explain):

Data sheets prepared by the Corps. Corps' navigable waters' studies:

National wetlands inventory maps: State/Local wetland inventory maps:

100-year Floodplain Elevation is:

Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on: 20 February 2004; 13 August 2004

shelving

other:

United States:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JUNISDIC HONAL DE LENVIMA HUN

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16635

Sta	
Cer Ap _l Nai	anty: Harris atter coordinates of site (latitude/longitude): Lat: 29.49.12 Long: 95.19.16 broximate size of area (parcel) reviewed, including uplands: 0.005 acres. are of nearest waterway: Unnamed Tributary to Huntings Bayou are of watershed: Buffalo Bayou
	Dictional Determination mpleted: Desktop determination Site visit(s) Date: 29 October 2004 Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16635 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects
fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): The project will not impact Waters of the U.S. DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date)
Other photographs (Date):
Advanced Identification Wetland m
Site visit/determination conducted of Applicable/supporting case law:
Other information (please specify):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16640

PROJE	CT LOCA	TION INFORMATION:						
Stat	e:	Louisiana						
Cou	ınty:	Offshore						
		nates of site (latitude/longitude		Lat: 28.40.26 Long: 93.34.45				
		size of area (parcel) reviewed,	including	uplands: 1 acres.				
		est waterway: Gulf of Mexico						
Nar	ne of wate	rshed: Gulf of Mexico						
HIRISD	ICTION	AL DETERMINATION						
		Desktop determination	M	Date: 29 October 2004				
CU.	npicted.	Site visit(s)		Date(s):				
		Site visit(s)		Duto(3).				
Jur		l Determination (JD):						
	United S	ary JD - Based on available in: tates" and/or "navigable water ce 33 CFR part 331).	formation, s of the U	half there appear to be (or) half there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable				
\boxtimes		d JD – An approved JD is an a l that apply:	ppealable	action (Reference 33 CFR part 331).				
		e are "navigable waters of the wed area. Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:				
	There	are "waters of the United Sta area. Approximate size of ju	tes" (as d risdictiona	efined by 33 CFR part 328 and associated guidance) within the la area:				
	There	are "isolated, non-navigable Decision supported Jurisdiction.	, <i>intra-stai</i> l by SWAl	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.				
DACIC (T HIDIS	DICTIONAL DETERMINA	TION.					
A	Waters (defined under 33 CFR part 3	29 as "na	vigable waters of the United States":				
×	The prese	ence of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.				
В.	Waters	defined under 33 CFR part 3	28.3(a) as	s "waters of the United States":				
	(1) The p	presence of waters, which are of	currently u	sed, or were used in the past, or may be susceptible to use in				
				ers which are subject to the ebb and flow of the tide.				
	(2) The p	resence of interstate waters in	cluding in	terstate wetlands ¹ .				
	(3) The p	presence of other waters such a	is intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,				
				t meadows, playa lakes, or natural ponds, the use, degradation or				
	destruction	on of which could affect inters	state comm	nerce including any such waters (check all that apply):				
		which are or could be used by i	nterstate o	or foreign travelers for recreational or other purposes.				
		which are or sould be used for	e or could	be taken and sold in interstate or foreign commerce.				
	(4) Impo	(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.						
H		presence of a tributary to a wat						
H		presence of territorial seas.	or racination					
H	(7) The p	presence of wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands				
	•	-						
Rat	nonale for	tne Basis of Jurisdictional I	etermina	ation (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable				
wai	er or well	and is not usely a navigable we	arei oj iile	i I a mand a minute the state of the dominant can have gate				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16640 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-14372(05)

State: County: Center o	Texas Orange oordinates of s	NFORMATION:		Lat: 30.06.45 Long: 93.58.52
Name o	mate size of are finearest watery watershed:	ea (parcel) reviewed, way: Anderson Gully Lower Sabine	including	uplands: 0.008 acres.
	IONAL DETE ted: Desktop Site visi			Date: 29 October 2004 Date(s):
Jurisdio	tional Determ	ination (JD):		
Un		l/or "navigable water		☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	proved JD – Ar eck all that app		ppealable	action (Reference 33 CFR part 331).
		rigable waters of the Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		ters of the United Sta oproximate size of ju		efined by 33 CFR part 328 and associated guidance) within the d area:
	There are "iso			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
A. Wa	ters defined u presence of wa	aters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
(1) into (2) (3) san des	The presence of the presence o	of waters, which are of n commerce, including interstate waters in of other waters such as s, sloughs, prairie pouch could affect intersor could be used by its fish or shellfish are or could be used for of waters otherwise	currently ung all water cluding in us intrastat tholes, we tate commenterstate of e or could r industrial defined as	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
⊠ (7)	The presence of	of wetlands adjacent ²		vaters of the US, except for those wetlands adjacent to other wetlands tion (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-14372(05)

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Absolute Historic quadrangles: U.S. Absolute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23588

St C C A N	ate: ounty: enter coordi pproximate	Texas Galvestor inates of sit size of area rest waterw	e (latitude/lo	ongitude viewed, eek	including	Lat: 29.30.55 Long: 95.06.15 uplands: 2.58 acres.	
			RMINATION determination (s)			Date: 29 October 2004 Date(s):	
Jı	risdictiona	al Determi	nation (JD):				
	United S	ary JD - Ba States" and/ ace 33 CFR	or "navigabl	able inf e waters	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
×		ed JD – An ll that apply		is an a	ppealable	action (Reference 33 CFR part 331).	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.58.						
			ers of the Un proximate size			efined by 33 CFR part 328 and associated guidance) within the all area:	
	There	e are "isolo		pported		te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.	
	Waters The pres	defined un ence of wa	ters that are	k part 3: subject :	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.	
	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Important (5) The printerstate (7) The printerstate (1) The printerstate (1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printers	presence of e or foreign presence of presence of s, wetlands, ion of whic which are o from which which are presence of presence of	waters, which commerce, interstate waters, sloughs, practice of could affect to could be used fish or shell or could be used for waters of waters of tributary to territorial sections and wetlands additional sections.	ch are c includinaters includinaters includinaters includinaters included a such a dirie pot et intersised by inlifish are used for a crwise o a water eas.	urrently ung all water cluding in sintrastat tholes, we tate communiterstate or could industriate defined as er identification other water to other water all water identifications.	s "waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands. e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above.	
R	tionale for	r the Basis	of Jurisdict	ional D	etermina	tion (applies to any boxes checked above). If the jurisdictional	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23588

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
⊠	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Galveston County Parks Department
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain): EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-43-002

PR	OJE	CT LOCA	ATION IN	FORMATION:			
	Stat		Texas				
		inty:	Harris			T . 20.52.45	1 05 20 42
	Cen	ter coordi	nates of sit	te (latitude/longitud	1e):		Long: 95.20.42
				a (parcel) reviewed	i, including	g uplands:	acres.
				ay: Halls Bayou			
	Nan	ne of wate	ershed:	Buffalo- San Jacii	nto		
JUE	RISD	ICTION	AL DETE	RMINATION			
	Con	npleted:	Desktop	determination	\boxtimes	Date: 26 Octo	ber 2004
			Site visit((s)		Date(s):	
	Juri	isdictiona	ıl Determi	nation (JD):			
				` ,	nformation	thana anna	ar to be (ar) there appear to be no "waters of the
		United S	ary 1D - Batates" and/ ace 33 CFR	or "navigable wate	ers of the U	Jnited States" or	ar to be (or) there appear to be no "waters of the name the project site. A preliminary JD is not appealable
	\boxtimes		ed JD – An II that apply		appealable	e action (Referen	nce 33 CFR part 331).
				gable waters of the Approximate size			d by 33 CFR part 329 and associated guidance) within .
		☑ There	e <i>are</i> "wate l area. Ap _l	ers of the United St proximate size of j	cates" (as our isdiction	defined by 33 C al area: 0.221.	FR part 328 and associated guidance) within the
		☐ There	e are "isolo	ated, non-navigabl Decision supported Jurisdiction.	e, intra-sta d by SWA	ate waters or we NCC/Migratory	tlands" within the reviewed area. Bird Rule Information Sheet for Determination of No.
RA!	SIS C	F JURIS	SDICTION	NAL DETERMIN	ATION:		
107 11	A.	Waters	defined un	der 33 CFR part	329 as "na	avigable waters	of the United States":
		The pres	ence of wa	ters that are subject susceptible for use	t to the ebb	b and flow of the	e tide and/or are presently used, or have been used in
	В.	Waters	defined un	ider 33 CFR part	328.3(a) a	s "waters of th	e United States":
		(1) The r	oresence of	waters, which are	currently	used, or were us	ed in the past, or may be susceptible to use in
		interstate	or foreign	commerce, includ	ling all wa	ters which are s	ubject to the ebb and flow of the tide.
	П	(2) The r	oresence of	f interstate waters i	ncluding in	nterstate wetland	is ⁱ .
	Ħ	(3) The r	oresence of	other waters such	as intrasta	te lakes, rivers,	streams (including intermittent streams), mudflats,
	1	sandflats	s, wetlands.	, sloughs, prairie p	otholes, we	et meadows, pla	ya lakes, or natural ponds, the use, degradation or
		destructi	on of whic	h could affect inter	rstate comi	merce including	any such waters (check all that apply):
		☐ (i) v	which are o	r could be used by	interstate	or foreign travel	ers for recreational or other purposes.
		☐ (ii)	from which	h fish or shellfish a	re or could	d be taken and so	old in interstate or foreign commerce.
		(iii)	which are	or could be used for	or industria	al purposes by in	ndustries in interstate commerce.
		$\overline{(4)}$ Impo	undments	of waters otherwis	e defined a	as waters of the	US.
	X	(5) The r	presence of	f a tributary to a wa	ater identif	ied in (1) – (4) a	bove.
	靣	(6) The t	presence of	f territorial seas.			
	\boxtimes	(7) The p	presence of	f wetlands adjacent	2 to other v	waters of the US	s, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-04-43-002

Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ v	regetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland del Harris County Flood Control District; Verified 19 May 200	ineation map and/or in a delineation report prepared by: 03 D-14263
Artificially irrigated areas, which would revert to up Artificial lakes and ponds created by excavating and retain water and which are used exclusively for such rice growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Nature.	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of the s or lagoons, pursuant to 33 CFR part 328.3. bland if the irrigation ceased. d/or diking dry land to collect and n purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created for primarily aesthetic reasons. tal to construction activity and pits excavated in dry land for and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR te commerce. tral Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated or Other (explain):	n dry land. Explain rationale:
EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the applic Data sheets prepared/submitted by or on behalf of the applic This office concurs with the delineation report, dated This office does not concur with the delineation report, on Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Su	oplicant. ant. , prepared by (company): dated , prepared by (company):
	Ordinary High Water Mark indicated by:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and thelike are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-07-051

PROJ	ECT LO	CATION I	NFORMATION:			
St	ate:	Texas				
	ounty:	Harris				
C	enter co	ordinates of s	site (latitude/longit	ude):		Long: 95.20.42
			ea (parcel) review	ed, including	g uplands:	acres.
			way: Halls Bayou			
N	ame of v	atershed:	Buffalo- San Jac	cinto		
JURIS	DICTION	NAL DET	ERMINATION			
			determination	\boxtimes	Date: 26 Octo	ber 2004
	•	Site visi		П	Date(s):	
				Name of the last o	()	
Jı			nination (JD):			
Г	Preli	ninary JD - I	Based on available	information	, \square there appe	ar to be (or) there appear to be no "waters of the
-	Unite	d States" and	d/or "navigable wa	iters of the U	nited States" or	the project site. A preliminary JD is not appealable
	(Refe	rence 33 CF	R part 331).			
K	* A	4 ID - A	n annual ID is a	m ammaalahla	action (Defere	nce 33 CFR part 331).
\boxtimes		s all that app	• •	ш арреатавте	action (Refere	ice 35 Cr R part 351).
	Chec	х ан шас арр	ny.			
	$\square T$	iere are "nav	vigable waters of the	he United Sta	ates" (as define	d by 33 CFR part 329 and associated guidance) within
	the re	viewed area.	. Approximate size	e of jurisdict	ional area:	
	$\boxtimes T$	iere are "wa	ters of the United	States" (as c	lefined by 33 C	FR part 328 and associated guidance) within the
	revie	wed area. A	pproximate size of	Jurisdictiona	al area: 0.221.	
	$\Box \tau$	noro aro "isc	olated non-naviga	hle intra-sta	te waters or we	tlands" within the reviewed area.
			Decision suppor	ted by SWA	NCC/Migratory	Bird Rule Information Sheet for Determination of No
			Jurisdiction.		. re en rigitate i	
BASIS	OF JU	RISDICTIO	NAL DETERMI	NATION:		
A	Wate	rs defined u	ınder 33 CFR par	rt 329 as "na	wigable waters	of the United States":
] The p	resence of w	aters that are subje	ect to the ebb	and flow of the	e tide and/or are presently used, or have been used in
	the p	ist, or may b	e susceptible for u	se <u>to transpo</u>	<u>rt</u> interstate or t	oreign commerce.
В.	Wate	rs defined u	ınder 33 CFR par	rt 328.3(a) a:	s "waters of th	e United States":
. D.	1 (1) T	ne presence (of waters which a	re currently i	ised, or were us	ed in the past, or may be susceptible to use in
144	inter	tate or foreig	on commerce incl	uding all wat	ers which are s	ubject to the ebb and flow of the tide.
			of interstate waters			
F	(2) T	ne presence o	of other waters suc	ch as intrastat	te lakes, rivers.	streams (including intermittent streams), mudflats,
L	sandi	lats, wetland	ls, sloughs, prairie	potholes, we	t meadows, pla	ya lakes, or natural ponds, the use, degradation or
	destr	iction of whi	ich could affect int	terstate comm	nerce including	any such waters (check all that apply):
		i) which are	or could be used b	y interstate of	or foreign travel	lers for recreational or other purposes.
		ii) from whi	ch fish or shellfish	are or could	be taken and so	old in interstate or foreign commerce.
		iii) which ar	e or could be used	for industria	d purposes by it	ndustries in interstate commerce.
			s of waters otherw:			
×			of a tributary to a v	water identifi	ied in $(1) - (4)$ a	bove.
	(6) T	he presence	of territorial seas.	•		
\triangleright	(7) T	he presence	of wetlands adjace	nt2 to other v	waters of the US	s, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-04-07-051 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Harris County Flood Control District; Verified 19 May 2003 D-14263 **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Verified Wetland Delineation; D-14263

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and thelike are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23577

Si C C A N	tate: ounty enter ppropa	/: coordii ximate :	Texas Jeffersonates of size of an est water	on site (lati rea (parc way: Sa	MATION tude/long cel) reviev bine Lake ne Lake	itude ved,	e): including	Lat: 29.52.55 Long: 93.51.43 g uplands: 0.0025 acres.
			AL DET Desktop Site vis	p determ	NATION nination			Date: 22 October 2004 Date(s):
Jı	urisd	ictiona	l Detern	nination	ı (JD):			
	U	nited St	ary JD - l tates" an ce 33 CF	d/or "na	wigable w	e int ater	formation s of the U	, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
Þ			d JD – A l that app		ved JD is	an a	ppealable	action (Reference 33 CFR part 331).
	⊵ th] <i>There</i> e reviev	are "na wed area	vigable Appro	waters of eximate si	the ze o	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
							tes" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area:
	Е] There	are "iso	Decis	on-navig sion suppo diction.	able, orted	intra-sta by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS A E	. W	aters d	defined u	under 3. vaters th	at are sub	rt 3 ject	29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B	(1) in (2) (3) (3) (4) (5) (6) (6)) The p terstate (c) The p mudflats estruction (ii) will (iii) f (iii) the p (iii) The p (iii) The p (iiii) The p (iiii) The p (iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii	oresence or foreignesence oresence wetland on of which are from which are undment oresence	of water gn comr of inters of other ds, sloug ich coul- ich fish or e or coul- ich fish or e or cou- ts of wat of a trib of territe	rs, which merce, income tate waters sughs, prairied affect in do be used or shellfisuld be used ters otherwatery to a porial seas.	are colluding in the pointers by in the area of the ar	currently using all wat cluding in as intrastat tholes, we tate comm nterstate of e or could r industria defined a er identifi	s "waters of the United States": used, or were used in the past, or may be susceptible to use in eers which are subject to the ebb and flow of the tide. uterstate wetlands ¹ . the lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): for foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce. Is waters of the US. It is a successful to the wetlands adjacent to other wetlands. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the US. It is a successful to the use of the use of the US. It is a successful to the use of t

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 23577 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.